

§ 65.37

- (b) Airport traffic control procedures, and this subpart;
- (c) En route traffic control procedures;
- (d) Communications operating procedures;
- (e) Flight assistance service;
- (f) Air navigation, and aids to air navigation; and
- (g) Aviation weather.

§ 65.37 Skill requirements: Operating positions.

No person may act as an air traffic control tower operator at any operating position unless he has passed a practical test on—

- (a) Control tower equipment and its use;
- (b) Weather reporting procedures and use of reports;
- (c) Notices to Airmen, and use of the Airman's Information Manual;
- (d) Use of operational forms;
- (e) Performance of noncontrol operational duties; and
- (f) Each of the following procedures that is applicable to that operating position and is required by the person performing the examination:
 - (1) The airport, including rules, equipment, runways, taxiways, and obstructions.
 - (2) The terrain features, visual checkpoints, and obstructions within the lateral boundaries of the surface areas of Class B, Class C, Class D, or Class E airspace designated for the airport.
 - (3) Traffic patterns and associated procedures for use of preferential runways and noise abatement.
 - (4) Operational agreements.
 - (5) The center, alternate airports, and those airways, routes, reporting points, and air navigation aids used for terminal air traffic control.
 - (6) Search and rescue procedures.
 - (7) Terminal air traffic control procedures and phraseology.
 - (8) Holding procedures, prescribed instrument approach, and departure procedures.
 - (9) Radar alignment and technical operation.

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- (10) The application of the prescribed radar and nonradar separation standard, as appropriate.

[Doc. No. 10193, 35 FR 12326, Aug. 1, 1991, as amended by Amdt. 65–36, 56 FR 65653, Dec. 17, 1991]

§ 65.39 Practical experience requirements: Facility rating.

Each applicant for a facility rating at any air traffic control tower must have satisfactorily served—

- (a) As an air traffic control tower operator at that control tower without a facility rating for at least 6 months; or
- (b) As an air traffic control tower operator with a facility rating at a different control tower for at least 6 months before the date he applies for the rating.

However, an applicant who is a member of an Armed Force of the United States meets the requirements of this section if he has satisfactorily served as an air traffic control tower operator for at least 6 months.

[Doc. No. 1179, 27 FR 7973, Aug. 10, 1962, as amended by Amdt. 65–19, 36 FR 21280, Nov. 5, 1971]

§ 65.41 Skill requirements: Facility ratings.

Each applicant for a facility rating at an air traffic control tower must have passed a practical test on each item listed in § 65.37 of this part that is applicable to each operating position at the control tower at which the rating is sought.

§ 65.43 Rating privileges and exchange.

- (a) The holder of a senior rating on August 31, 1970, may at any time after that date exchange his rating for a facility rating at the same air traffic control tower. However, if he does not do so before August 31, 1971, he may not thereafter exercise the privileges of his senior rating at the control tower concerned until he makes the exchange.

- (b) The holder of a junior rating on August 31, 1970, may not control air traffic, at any operating position at the control tower concerned, until he has met the applicable requirements of § 65.37 of this part. However, before meeting those requirements he may

control air traffic under the supervision, where required, of an operator with a senior rating (or facility rating) in accordance with § 65.41 of this part in effect before August 31, 1970.

§ 65.45 Performance of duties.

(a) An air traffic control tower operator shall perform his duties in accordance with the limitations on his certificate and the procedures and practices prescribed in air traffic control manuals of the FAA, to provide for the safe, orderly, and expeditious flow of air traffic.

(b) An operator with a facility rating may control traffic at any operating position at the control tower at which he holds a facility rating. However, he may not issue an air traffic clearance for IFR flight without authorization from the appropriate facility exercising IFR control at that location.

(c) An operator who does not hold a facility rating for a particular control tower may act at each operating position for which he has qualified, under the supervision of an operator holding a facility rating for that control tower.

[Doc. No. 10193, 35 FR 12326, Aug. 1, 1970, as amended by Amdt. 65-16, 35 FR 14075, Sept. 4, 1970]

§ 65.46 Use of prohibited drugs.

(a) The following definitions apply for the purposes of this section:

(1) An *employee* is a person who performs an air traffic control function for an employer. For the purpose of this section, a person who performs such a function pursuant to a contract with an employer is considered to be performing that function for the employer.

(2) An “employer” means an air traffic control facility not operated by the FAA or by or under contract to the U.S. military that employs a person to perform an air traffic control function.

(b) Each employer shall provide each employee performing a function listed in appendix I to part 121 of this chapter and his or her supervisor with the training specified in that appendix. No employer may use any contractor to perform an air traffic control function unless that contractor provides each of its employees performing that function for the employer and his or her super-

visor with the training specified in that appendix.

(c) No employer may knowingly use any person to perform, nor may any person perform for an employer, either directly or by contract, any air traffic control function while that person has a prohibited drug, as defined in appendix I to part 121 of this chapter, in his or her system.

(d) No employer shall knowingly use any person to perform, nor may any person perform for an employer, either directly or by contract, any air traffic control function if the person has a verified positive drug test result on or has refused to submit to a drug test required by appendix I to part 121 of this chapter and the person has not met the requirements of appendix I to part 121 of this chapter for returning to the performance of safety-sensitive duties.

(e) Each employer shall test each of its employees who performs any air traffic control function in accordance with appendix I to part 121 of this chapter. No employer may use any contractor to perform any air traffic control function unless that contractor tests each employee performing such a function for the employer in accordance with that appendix.

[Doc. No. 25148, 53 FR 47056, Nov. 21, 1988, as amended by Amdt. 65-38, 59 FR 42927, Aug. 19, 1994]

§ 65.46a Misuse of alcohol.

(a) This section applies to employees who perform air traffic control duties directly or by contract for an employer that is an air traffic control facility not operated by the FAA or the U.S. military (*covered employees*).

(b) *Alcohol concentration.* No covered employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. No employer having actual knowledge that an employee has an alcohol concentration of 0.04 or greater shall permit the employee to perform or continue to perform safety-sensitive functions.

(c) *On-duty use.* No covered employee shall use alcohol while performing safety-sensitive functions. No employer having actual knowledge that a covered employee is using alcohol